

Waukesha County Board of Canvass
Minutes
Recount for the Office of the President of the United States

Recount Summary

Pursuant to the November 29, 2016 order of the Wisconsin Elections Commission, the Waukesha County Board of Canvass conducted a recount of the General Election for the President of the United States held on November 8, 2016. The Board concludes that the intent of the voters in Waukesha County for the aforesaid Presidential election is reflected in the attached minutes, Summary Statement of the Board of Canvassers, and Certification.

The recount was conducted in accordance with the election statutes and the Wisconsin Elections Commission's November 2016 Election Recount Procedures Manual. The recount commenced on December 1, 2016 and was completed on December 10, 2016 with the submission of the Board's Summary Statement of the Board of Canvassers and Certification to the Wisconsin Elections Commission.

The Waukesha County Board of Canvassers was comprised of the following regular members:

Kathy Novack, Waukesha County Clerk

Steve Heric, Democratic Party member

Mary Ann Hanson, Republican Party member

At various times throughout the recount, the work of the Board of Canvassers was performed by the following alternate members:

Mary O'Herron, Alternate Democratic Party member

Margaret Wortmon, Alternate Republican Party member

Jack Melvin, Alternate Republican Party member

Robin Moore, Alternate Republican Party member

At all times during the recount, there was always one member who was a representative of the Republican Party and one representative of the Democratic Party.

Additionally, Clerk Novack deputized the following individuals who acted in her place from time to time on the Board of Canvassers:

Kathy Karalewitz

Kelly Michaels

The Board of Canvassers took great pains in fulfilling its responsibility of ascertaining voter intent for the Presidential Election of November 8, 2016. All aspects and materials in the recount were open to observation, and all challenges and concerns of candidates' representatives were heard.

The Board reconciled the number of ballots with the number of voters for each of the reporting units in Waukesha County. Consistent with prior Wisconsin Election Commission guidance, where several units were located at the same polling place, the reconciliation could cover all units. Total number of ballot to voter discrepancies in one unit could be reconciled with the numbers from another unit voting at the same location such that draw downs were minimized and voters were not disenfranchised. Any procedural or clerical failure that the Board uncovered from election night did not affect the outcome. Voters were not penalized for these failures. Their votes were counted.

The reconciliations made from election materials and ballots showed the recount results closely matched the election night results reported from the polling places as well as the results of the original canvass. There were cases where there was a draw down of ballots and cases where votes were added. In many instances, ballots that were drawn down due to initial hand counting were ultimately returned to the pool to be counted when ballot machine totals more accurately counted the number of ballots.

The total number of ballots counted during the recount as compared to the total number of votes reported on the original canvass differed as the result of several factors:

- The Board of Canvassers included overvotes and undervotes in the total number of ballots recounted. These were not reported with the original canvass.
- The original canvass did not net out all named write in votes from the total scattering number reported.
- The Board of Canvassers examined some ballots counted as overvotes on election night. The Board of Canvassers determined the intent of the voter where a voter selected the candidate and wrote in the same candidate.
- The Board of Canvassers examined some ballots counted as undervotes on election night. The Board of Canvassers determined the intent of the voter where checks, Xs, and other marks or write-ins without filled in circles nevertheless indicated clear voter intent.
- Some absentee ballots were counted where it was determined that absentee envelopes were improperly rejected on election night.
- Vote totals for some registered write-in candidates increased as the result of the review and tallying of these registered write-in votes throughout the recount process.

Nevertheless, count differences were not significant and did not affect the outcome of the election.

In conclusion, the Board found that the intent of the voters in Waukesha County, both individually and collectively, for each candidate was revealed in the original canvass and confirmed by this recount. The number of votes cast for the office of President, including overvotes and undervotes, was 240,276; Trump received 142,543 votes; Clinton received 79,224 votes; Castle received 839 votes; Johnson received 8,897 votes; Stein received 1,673 votes; Moorhead received 64 votes; de la Fuente received 82 votes; Fox received 1 vote; McMullin received 1,707 votes; Maturen received 20 votes; Schoenke received 0 votes; Keniston received 2 votes; Kotlikoff received 2 votes; Hoefling received 4 votes; Maldonado received 0 votes; Soltysik received 1 vote; and, a scattering for other write-ins of 2,534.

December 1, 2016

Board of Canvass Meeting called to order at 9:40 a.m. for purposes of conducting a recount for the Office of the President of the United States the election held on November 8, 2016.

Board of Canvass members are as follows: Steve Heric, Democratic Representative; Mary Ann Hanson, Republican Representative; and, Kathy Novack, County Clerk and Board Chair.

Also present, Erik Weidig, Corporation Counsel; Debbie Price, Principal Corporation Counsel; and Kim Haines, Principal Corporation Counsel.

The initial Primary Candidate Observers were as follows: Thomas Gilding, Clinton Campaign; Rudy Moore, Stein Campaign; Mark Meuser, Trump Campaign; and, Kandis Birmingham, Johnson Campaign.

Alternate Board of Canvass Members include the following:

Mary O'Herron, Democratic Representative and Robin Moore, Jack Melvin, John Macy, Kenneth Dragotto and Margaret Wartman as Republican Representatives.

Canvasser Heric moved to conduct the recount by hand. Canvasser Novack seconded the motion. Discussion took place by the BOC.

Novack moves to call the question; seconded by Hanson. Vote on motion to call question: Yes = Novack and Hanson; No = Heric.

Vote on motion to hand count recount. Yes = Heric; No = Hanson and Novack. Motion Fails.

Chair Novack moved to proceed with optical scan count. Seconded by Canvasser Hanson. Discussion ensued by Heric. Vote: Yes by Hanson and Novack; No by Heric.

Heric moves for tabulators to be paid \$15.00 per hour; no second; therefore, motion fails.

Novack moves to approve the form of the minute sheet. Hanson seconds motion. The vote is unanimous: Board of Canvass ("BOC") approved the minute sheet which was marked as Exhibit #1.

Agenda indicates public testing of all voting machines to take place in Room AC-155 today. Novack moves to publicly test voting machines immediately before running the ballots for each reporting unit. Hanson seconds motion. Motion unanimously passes.

Novack announces that lunch breaks will be offered between 11:30 a.m. and 12:30 p.m. The first shift of tabulators will end at 4:30 p.m. and the second shift will begin at 5:00 p.m. The Board of Canvass shall meet on Saturday and Sunday. Tomorrow will begin at 8:00 a.m., but each day thereafter shall begin at 9:00 a.m. per the Waukesha County Sheriff's Department.

In addition, the Sheriff's Department put all participants on notice that audio and video of this process is being live streamed.

A third shift will be noticed, if it is needed. Sunday work hours may change if BOC chooses.

BOC was sworn in previously. Alternate members shall be sworn in as they substitute.

Tabulators sworn statement. If not previously signed upon registration and check-in, they are asked to stand and be sworn in. Clerk Novack reviewed general statutory procedures for tabulators.

Primary Trump Campaign Observer, Robin Moore asked if BOC would use number grid for each poll book. Novack responded that a grid would only be used if necessary, but often would be resolved by BOC.

BOC reviews the recount tally sheet marked as Exhibit #2. Novack moves for approval of the form. Motion seconded by Hanson. Vote unanimously to approve form of tally sheet.

BOC shall start today with the following reporting units: Town of Brookfield, Wards 1 – 10; Town of Delafield, Wards 1 – 11; Town of Eagle, Wards 1 – 4; Town of Genesee, Wards 1, 3, 5 & 9; Wards 2, 4 & 10; and Wards 6, 7, 8. In addition, the remainder of the towns will be considered today.

BOC discussed whether primary BOC member can discuss business with their alternate BOC members? Novack moves to allow actual discussions during BOC work. Canvasser Heric seconds motion. Discussion ensues. Novack's position is that BOC is three (3) only. Question called – a "Yes" vote is for discussions among BOC members. Heric votes "Yes". Novack and Hanson vote "No". Motion is defeated. On the basis of the vote, alternate BOC members are moved to public viewing area.

Alternate BOC Republican Representative is transferred in for Canvasser Hanson: Jack Melvin at 1:35 p.m.

BOC work continued: Town of Brookfield:

1. Signature of voter in one poll book and no number assigned in other poll book. Poll book issue. Motion by Novack and seconded by Heric: any time there is a number by a line it is counted as a vote for poll book purposes even if voter did not sign. Any poll book can be further examined if there is a problem. Discussion of Motion: Objection by Stein representative. Should have a note in Inspection Statement before BOC says it is a valid vote. Discussion by BOC. BOC often goes by number because it is more representative of a ballot given to a voter. Training in municipalities is uneven. Vote: aye by Novack and Heric; No by Hanson. Motion passed. (T of Brookfield, W 2, 5-8)
2. BOC decided votes with a voter number, but no signature, shall be counted in a poll book count. (T of Brookfield, W 2, 5-8)
3. BOC determined that it will treat set aside ballots with only one set of initials as valid ballots that should be counted. (T of Brookfield, W 2, 5-8)
4. BOC decided that ballots that have no initials can be valid and counted if there is clear voter intent. (T of Brookfield W 2, 5-8)
5. Some ballots had no initials, but BOC determined that the ballot is valid and there is clear voter intent and it will be counted. (T of Brookfield, W 2, 5-8)
6. BOC agreed that when there is a break, a deputy from the Sheriff's Department will guard room. There is no need for clerk or staff to remain. (T of Brookfield, W 2, 5-8)
7. There will be no political clothing worn in the recount room including hats. (T of Brookfield W 2, 5-8.)

Break called and meeting reconvened at 5:24 p.m. BOC members present were: Novack, Margaret Wartman for Jack Melvin and Mary O'Herron for Steve Heric.

Kandis Birmingham signs in as Primary Candidate Observer for Johnson Campaign.

BOC opened ballot bags after they were satisfied with condition of ballot bags and serial numbers matched.

Alternate BOC Republican Representative, Jack Melvin resumed role at 9:00 p.m.

Canvasser Mary O'Herron observed that a manual count of the ballots could be taking place already as current process is slow and tabulators had time to hand count.

Meeting recessed at 12:12 a.m. on December 2, 2016. Meeting shall reconvene today at 8:00 a.m.

December 2, 2016

BOC reconvened at 8:30 a.m. Board of Canvass Members present were Steve Heric, Mary Ann Hanson and Kathy Novack. Also present were Erik Weidig, Corporation Counsel; Debbie Price, Principal Assistant Corporation Counsel; and, Kim Haines, Principal Assistant Corporation Counsel.

The primary candidate observers were Lana Lee Helm, Trump Campaign; Thomas Gilding, Clinton Campaign; and Sawyer Gilding, Stein Campaign.

Novack announced the general housekeeping rules regarding pens, purses, coats and designated candidate observer areas.

Announcement is made to remind tabulators of necessity to complete hand tally sheet for registered write-in candidates.

Deputy County Clerk prepares to publicly test remaining optical scan tabulators numbered 3 through 11. The machines publicly tested are for Town of Delafield Wards 1-2, 5 and 6; Town of Brookfield Ward 9; Town of Delafield Wards 3-4; part of Ward 5-6; Wards 9-11; and Wards 7-8. Public tests were completed successfully

Machines numbered one and two were publicly tested on December 1, 2016. Public tests were completed successfully.

The optical scan tabulator for Town of Eagle Wards 1-4 was successfully completed.

BOC determined that ballots with one set of initials are valid ballots.

BOC determined that ballots with no initials will be valid if the BOC can determine clear voter intent.

BOC determined that any ballot with a write-in candidate and a completed circle beside a registered candidate demonstrates clear intent and shall be considered a valid ballot.

Tabulators requested a list of the first names of the registered write-in candidates. BOC determined that the Registered Wisconsin Candidates for General Election form can be distributed to tabulators.

Objection by Stein Primary Candidate Observer. Wisconsin Statutes Section 89.01 (1) (b)1: BOC shall first compare poll lists. Did not agree that spot check is sufficient. Wanted full count of voter slips to get number. BOC discussed Wisconsin Elections Commission's (WEC) recommendation to make decisions about how to review materials. Discussed instructions with tabulators to review poll books randomly and pick 3 pages for a sample approach. Motion by Novack to continue approach of random

sampling poll books for capturing significant numbers in the same way as initially started. Seconded by Hanson. Vote: yes by all.

Motion to clarify previous ruling. Moved by Novack, Seconded by Hanson. Procedure is not exclusively limited to 3 pages, but may include a random sampling of other pages of the poll books. Vote: yes by all.

Clinton primary observer concerned that other counties are hand counting and doing well. In this county, the recount is going slow. Asked BOC to amend the type of vote to hand count. BOC would not amend decision to use optical scanner tabulators.

At 2:15 p.m., Meg Wartman switches in for Mary Ann Hanson on the BOC as the Republican representative.

In the Town of Lisbon, BOC agreed that pink slash through an absentee certificate envelope shall signify proof of witness address and should not be pulled from envelopes as questionable.

Mary O'Herron transitioned in for Steve Heric at 5:02 p.m.

Ballot machine number 3 was moved to the location where ballot machine number 4 was located as number 3 was set up for Town of Delafield Wards 1, 2, 5 and 6. A new machine was moved into machine number 3's location.

BOC deterred that if no initialed ballots state a vote, voter intent will direct vote to be counted unless defective in another manner.

County Clerk proposed to create a checklist for the tabulators to use with amended instructions. BOC agreed.

Jack Melvin switched in for Meg Wartman at 8:15 p.m.

BOC Meeting recessed at 12:50 a.m. on December 3, 2016.

December 3, 2016

BOC meeting is reconvened at 9:00 a.m. BOC members present were Steve Heric, Meg Wartman and Kathy Novack. Also present were Erik Weidig, Corporation Counsel; Debbie Price, Principal Assistant Corporation Counsel; and, Kim Haines, Principal Assistant Corporation Counsel.

Clinton Primary Candidate Observer, Tom Gilding requested to examine all 250 original and remade ballots for Town of Lisbon. BOC agreed. Exhibit # 84 for Town of Lisbon Ward 2 casted a vote for Clinton and Rubio. Gilding objected to elimination of this ballot from being cast.

BOC deliberated issue and BOC decision. Heric moved to dispense with procedural question but motion failed to get a second. Wartman objected to taking up substantive issue of where or not to change decision to eliminate ballot from being cast. Deliberation between procedural posture and substantive issue ensued.

Weidig circled back to procedure: Does BOC want to reopen decision to reexamine ballot? Wartman votes yes. Discussion continued regarding prior BOC decision. Wartman claimed that remade ballot is a vote for Clinton. Novack stated decision was already made by BOC. Heric demanded procedural question must be set aside and he so moved.

Weidig clarified procedural status: Motion to set aside any procedural issue and Heric moved to reconsider decision of BOC. Wartman wanted to hear from primary candidate observers. Novack stated issue had not been objected to on the previous day.

Trump Primary Candidate Observer agreed with Weidig regarding the process that the first issue is a motion to set aside the decision of the BOC before reexamination. Wartman moved to reconsider BOC decision; Heric seconded. Discussion ensued. Wartman and Heric voted yes and Novack no.

Discussion ensued reading whether or not to accept Exhibit #85 as a vote for Clinton. Trump Primary Candidate Observer requested fifteen minutes to consider the statute. Clinton Primary Candidate Observer stated that Exhibit # 85 was a clear vote for Clinton.

Novack discussed the task of the recount. In addition, if a remade ballot was made exactly as the original, the remade ballot would have resulted in an overvote. The first hurdle is "Does the remade ballot match the original?"

Trump Primary Candidate Observer weighed in and reminded the BOC that the remade did not match the original.

BOC reviewed Inspectors' Statement regarding Exhibit # 84. Original ballot was not remade. It should have been spoiled. Exhibit #85 is a duplicate. BOC determined that Exhibit # 85 goes back into pool for the recount.

Clinton Primary Candidate Observer appreciated the time that the BOC spent on this issue.

12:08 p.m. – Robin Moore was sworn in as an alternate Republican representative member of the BOC.

1:30 p.m. – Stein Primary Candidate Observer, Greg Walter, requested that all ballots lay face up before insertion into the optical scan tabulator. Trump Primary Candidate Observer, Brandon O'Bryon, stated that the request is a non-statutory requirement and an unnecessary step in the recount process. BOC denied request.

Clinton Primary Candidate Observer objected to draw downs not following Wisconsin Statute Section 9.01(a) and (c). Trump Primary Candidate Observer requested that each party's primary candidate observer receive notice of a draw down.

BOC determined that an announcement shall be made prior to a draw down. Stein Primary Candidate Observer requested ballots be scanned face up only. BOC denied request.

Novack asked if a reasonable accommodation could be made for ballots to be scanned face up only. Motion was taken under consideration until 2:30 p.m. At 2:53 p.m., BOC denied motion to require face up ballot scanning.

4:05 p.m. – Mary O’Herron replaced Steve Heric as Democratic representative of BOC.

5:30 p.m. – BOC discussed whether to accept a mailed in absentee envelop of an indefinitely confined voter. As a general rule, BOC agreed to accept a ballot without a witness signature and address but signed by the voter for an indefinitely confined voter.

BOC discussed whether or not to accept an absentee ballot envelope of a regular voter without a witness signature and address. Voter is contacted by municipality of deficiency and requests voter to present in person with witness.

BOC decided regular, active voters who vote by mail must have an absentee certificate envelope with the voter’s signature, witness signature and witness address.

5:43 p.m. Kathy Novack is leaving the BOC and Kathy Karalewitz, Municipal Clerk for the Town of Mukwonago took the oath to act as Novack’s deputy for purposes of serving on the BOC as chair. Two oaths were administered by Karalewitz.

BOC decided to modify tabulator ballot instructions to limit sorting of write-in ballots for presidential race only.

12:15 a.m. – Stein Primary Candidate Observer, Tiffany Anderson, objected to public test of machine number 3 occurring after midnight. Public test was stopped and will be cleared Sunday morning after confirmed by parties.

BOC meeting recessed at 12:20 a.m.

December 4, 2016

BOC meeting reconvened at 9:15 a.m. Novack called room to order. She gave instructions and introduced other members of BOC: Heric, Democratic representative, Moore, Republican representative. Also present were Erik Weidig, Corporation Counsel; Debbie Price, Principal Assistant Corporation Counsel; and, Kim Haines, Principal Assistant Corporation Counsel.

Weidig announced that optical scan tabulator number 3’s public test was stopped after midnight and requires it to be wiped out and publicly tested again. Novack explained that machine number 3 was cleared to zero and retested. The public test was completed successfully.

City of Brookfield Ward 5. Weidig and Heric discussed with City Clerk at machine number 9 regarding the necessity to re-run the ballots because some ballots went into the machine the night before. Novack wants to cancel the run and start over. City of Brookfield clerk looked for remade ballots. Remades are on table marked “Remade” and had not been run through the machine.

Wards 2-6 vote at the same polling place. Canvasser Heric continued counting to compare voters and ballots among the five wards.

9:50 a.m. – Novack moved to accept ballots as reviewed and appropriately voted on election day. BOC will go through tabulation of all five wards after recount.

Novack reevaluated and decided to highlight and make revision on the instruction packet for tabulators.

10:40 a.m. Stein Primary Candidate Observer, Susan Wozny, wanted notice of any questionable ballots. Novack responded that notice is given on close out of each reporting unit.

10:50 a.m. – Stein Primary Candidate Observer voiced concern that tasks are not being allowed to be a part of the recount process and nobody has told her how the recount works. How can she know if a ballot needs to be reviewed? Heric advised that she can walk around and she can join the BOC when it takes up an issue. How will the primary candidate observers be notified?

Clinton Primary Candidate Observer, Tom Gilding, stated yesterday they were told they would be notified. Novack stated that BOC is announcing close out of reporting units.

Gilding also upset that he had a confrontation with another primary candidate observer.

Stein Primary Candidate Observer objected to lack of notification. Novack informed her that notification will be made for draw downs and close outs. Objection noted. Stein Primary Candidate Observer continued making same objection and BOC moved on.

Atty. Weidig review rejected ballot envelope steps with BOC.

BOC ruled that no photographs of ballots were allowed. Heric and Weidig announced that observers may take photographs, but the tabulators need not slow down recount process to accommodate photographers.

11:30 a.m. – Novack made an additional change on worksheet for recount minutes and marked it revision 2.

11:45 a.m. – BOC discussed and agreed that the minute tally sheet should be amend to record undervotes and overvotes from the recount tape, as well as, total votes from canvass and total recount for office of President. BOC will need to make similar adjustment to the reporting units already closed.

1:00 p.m. – Mary Ann Hanson replaced Robin Moore on BOC.

1:25 p.m. – BOC discussed announcing number of remade ballots for each reporting unit. BOC decided not to announce number of remades.

In an effort to assist the tabulators and BOC, Debbie Price, Principal Assistant Corporation Counsel, presented a revised tabulator worksheet, recount tally sheet for BOC and revised worksheet for the meeting minutes. BOC moved and approved all of the forms by 1:30 p.m.

Novack informed where candidate observers may stand and distinguished between primary and secondary observers. Tabulation room was flooded with observers. BOC discussed observers at BOC table has created a space and volume issue. Tabulators and county employees were having a difficult time walking because of the observers.

Heric asked each political party the number of observers present in the recount room: Trump – 7, Stein – 8, and Clinton – 6. Question was raised about limiting number of candidate observers to two each and

the option to rotate. Gilding, Clinton Primary Candidate Observer, disagreed and stated that parties should be allowed 1 Primary Candidate Observer, 1 Secondary Candidate Observer, and 5 against the wall for each party

Heric asked the capacity of the room. Novack is not sure the maximum capacity. Novack asked each political party to name the number of observers desired. Clinton Primary Candidate Observer wanted 5 with 2 Primary Candidate Observers. Trump Primary Candidate Observer, Melchert, wanted 1 at each table and 2 Primary Candidate Observers. Stein Primary Candidate Observer, Wozny, did not know.

Motion by Heric to limit observers to seven per political campaign in the recount room. Motion seconded and approved with caveat that BOC decision can be reevaluated as deemed necessary.

Clinton Primary Candidate Observer stated that sign in and sign out is perfect but wanted the registration clerks to control number of observers allowed in recount room.

Stein Primary Candidate Observer felt that the number of observers should be unlimited.

BOC decided seven people per campaign with 1 primary and the remaining observers secondary.

Clinton noted for the record that everyone has been very fair with all of the political parties.

Novack stated at 2:25 p.m. that tabulators should start work again.

2:40 p.m. Objection raised by Stein Primary Candidate Observer, Wozny, that 16 active ballot tabulating machines in room is too many to watch. Objection noted.

3:25 p.m. – BOC decided tabulators should come to BOC table. Novack wants BOC at table and not moving to tabulator tables. BOC shall open ballot bags at back table and then have clerks take the bags out to tabulators.

4:10 pm. – Kathy Karalewitz transferred in to replace Novack on BOC.

5:00 p.m. – Mary O'Herron replaced Heric on BOC.

6:00 p.m. – Meg Wartman replaced Hanson on BOC.

6:50 p.m. – Stein Primary Candidate Observer, Wozny, raised objection about ballots being run that come up as blanks. BOC explained that each time a ballot is read the number of votes increase and would need more information about her objection. Her second object is not being able to count the votes. She requested that the ballots be run face up, as they keep a tally. BOC explained that ballots have to be run in all different directions due to folds, etc.

On Monday, a high speed, optical scan tabulating machine will be brought in that will read 5,000 ballots at a time. The ballots will be fed upside down to look for notations.

O'Herron requested that tabulators enter ballots face up for the time being on the current machines. She stated that there was adequate time at 7 seconds per ballot to flip ballot over.

This is a duplicate request from December 3, 2016. BOC denied this request twice and consulted with the WEC. O'Herron and Wartman agreed to uphold the denial.

7:10 p.m. – Stein Primary Candidate Observer wanted the record to reflect that it is impossible to count the ballots unless they are fed face up into the machine.

7:40 p.m. – Stein Primary Candidate Observer approached the BOC table with a telephone call from legal counsel and requested that Atty. Haines speak with her attorney regarding face up ballot feeding of tabulating machines.

7:50 p.m. – Clinton Primary Candidate Observer requested that ballots be machine and hand counted. Stein Primary Candidate Observer stated belief that the recount could have been done by hand.

8:30 pm. – Attorney Debbie Price assisted the BOC with a revision to the minute sheet to ensure that the information to be reported to the WEC was being collected during the recount process. BOC approved new minute sheet to reflect that the undervotes and overvotes would be collected and noted. The minute sheets utilized for the towns did not include the undervotes and overvotes.

BOC verified and approved the numbers for Town of Brookfield Wards, 1, 3, 4, and 10; Town of Brookfield Wards 2, 5, 6, 7 and 8. BOC discussed draw down in Town of Delafield Wards 1, 2, 5, and 6. There are 4 used certificate envelopes that have been rejected and one torn ballot, 6 draw downs. BOC decided to add two of the draw downs back into the pool so that voters and ballots would match. An earlier hand count caused the draw down.

Trump Primary Candidate Observer suggested to add back the 5th and 6th ballots as they should not have been drawn down.

9:00 p.m. – BOC agreed that would be the way to add back ballots. Exhibits # 74 and #75 are added back to the pool: 1, 2, 3, 4 remained drawn down; 5 and 6 were returned. Rule to be added to General Rules of BOC.

9:15 p.m. – Stein Primary Candidate Observer wanted to finish conversation about machines on Monday and the need for chairs for volunteers to accommodate those who cannot stand a long time. BOC decided to make reasonable accommodations and have a chair placed so a voting machine can be viewed.

11:30 p.m. – BOC considered the addition of captains, municipal clerks, to assist in the recount process. BOC reviewed a document entitled "Captain's Procedural Steps for Reporting Unit". There would be roaming captains to assist the tabulators and BOC. Colored name tags will be made to identify the captains. Canvasser Wartman moved to accept the addition of captains and the procedural steps for the captains. O'Herron seconded motion. Motion passes unanimously. The procedural steps document was marked as Exhibit # 141.

BOC discussed time for current optical scan tabulators to read ballots. Clerk made called ES & S to inquire about leasing a DS850 machine to expedite ballot processing. O'Herron questioned if a machine not used on election night can be used for the recount. Wartman asked that questions be addressed in morning: 1. Is the BOC allowed to replace the current tabulating machines with a DS850? 2. Must the

ballots be loaded face up for visibility by observers? 3. Does BOC need to vote to approve of the use of the DS850? BOC directed Corporation Counsel to seek answer from WEC.

Stein Primary Candidate Observer objected to number of variables already in play.

11:50 p.m. Karalewitz moves to recess meeting. Seconded by Wartman. Motion passes.

December 5, 2016

BOC meeting reconvenes at 9:10 a.m. BOC members present are Steve Heric, Mary Ann Hanson and Kathy Novack.

Also present were Erik Weidig, Corporation Counsel; Debbie Price, Principal Assistant Corporation Counsel; and, Kim Haines, Principal Assistant Corporation Counsel.

Clerk announced the implementation of a captain system.

Motion by Heric to consider use of the high speed counting machine. Seconded by Hanson. Discussion: Novack stated that the addition of a high speed tabulating machine has been a critical step in other counties. The machine will speed up the ballot counting significantly. The machine is certified by the WEC. The cost is \$20,000.00. Leased by the same company as all of the individual counting machines: ES &S. A business certified by the federal and state authorities and used throughout the state and Milwaukee County.

Heric stated that he thinks that this machine is a bridge too far from the original decision to use machines vs. hand count. BOC has no experience with this machine. He was not consulted about the at the time of the original decision to hand count the ballots. Recount room is too small. Discussion continued.

Stein Primary Candidate Observer, Wozny, objected to use of the machine: 1. Concerned that there was not unanimous consultation with BOC before the decision to use the machine was made. 2. Introduces another variable to a complex procedure. 3. Is it legal to use the machine? 4. Higher speed machine does not assist with visibility or readability of ballots going through the machine.

Primary Candidate Observers today: Thomas Gilding, Clinton Campaign; Susan Wozny, Stein Campaign; and, Ken Dragotto, Trump Campaign.

Trump Primary Candidate Observer objected to Stein Campaign objections and stated that the high speed machines are used in many counties now. The central count of absentee ballots was done this way. The machine is proven technology. It adds confidence to the results to have two separate types of machines checking the results. If calibrated and tested, any machine counting method is acceptable pursuant to the statutes.

Clinton Primary Candidate Observer objected to the use of the machine as not previously used in this county. Time is a factor, as well as, space and noise. Will it be located in tabulation room? Will it hinder the recount operation?

Novack explained that the machine will be in the recount room. One or more machines can be moved out of the recount room.

Regarding the observation of ballots, Novack noted that every ballot is open to observation by observers at the tabulation tables. Observers are not always here all of the time anyways, so it is not critical to show observes 100% if we meet the standards that they can be here to look at ballots at the tabulation tables.

Motion to call the question. Novack and Hanson – Aye; Heric – No. Motion passed 2 to 1.

Trump Primary Candidate Observer asked if ballot could be placed face up as they are being hand counted at tabulation tables, but not at counting machine. Novack stated that is the current practice.

Stein Primary Candidate Observer wants ballots to be face up as they go in to the machine. She has requested this several times. BOC voted on this issue several times and maintained its denial.

Stein Primary Candidate Observer objected. Karalewitz reminded observer that this was same conversation two days ago. There was an email sent to Novack from WEC. Stein Primary Candidate Observer wants copy of email. Novack stated that it is a public record. Weidig responded to the Stein Primary Candidate Observer that a public record request has been made and the county will reply as soon as practicable given the duties today.

Trump Primary Candidate Observer request a binder of all of this.

Weidig suggest that the public record request process be utilized because the BOC needs to move forward with its duties. Request noted.

Stein Primary Candidate Observer announced that she is looking to WEC for guidance. BOC acknowledged comment and stated that BOC had to move on to its duties.

Large voting machine brought into recount room to count ballots for the cities and villages.

Public test of machine was made from 12:38 to 12:39 p.m. Deputy County Clerk, Kelly Yaeger, called off the detailed results by each ward from the public test of the DS850. Novack announced that public test was completed successfully and ballots may be run on machine at 1:15 p.m.

1:30 p.m. – Stein Primary Candidate Observer, Wozny, objected to prohibition of asking tabulators how machine will be used and staffed. BOC advised her that questions are to be addressed by BOC and not tabulators. She also requested if a technician will be operating the machine; the price of the machine and how late it can be used.

Stein and Clinton Primary Candidate Observers object to a technician operating the machine and demands that a Waukesha County employee run the machine. Objection noted in the minutes.

1:15 p.m. – Meg Wartman replaces Hanson on BOC.

4:50 p.m. – Kathy Karalewitz replaced Novack at BOC.

4:55 p.m. – Steve Heric left and replaced by Mary O'Herron.

4:57 p.m. – Novack deputized Kelly Michaels to serve when Novack is absent. Swearing in is completed and Michaels signed the oath.

Karalewitz, acting as a captain, informed BOC that City of New Berlin ran several wards on same machine on election night. BOC informed her that if wards report together, ballots will be put aside for captains to determine the correct ward. BOC accepted this policy and it was approved by Wartman and O'Herron. Tabulators will set aside ballots from other wards for captains to dispense.

5:15 p.m. City of New Berlin, by Karalewitz, came to BOC stating that one poll site combined different wards in same ballot bag due to same machine. BOC accepted sorting efforts.

5:36 p.m. – Stein Primary Candidate Observer, Devana Joy, wanted to view ballots rejected by machine before re-scanned. BOC determined that ballots will be displayed after two attempts of running them has been performed. Stein Campaign objected.

Stein Primary Candidate Observer objected to the acceptance of ballots with 1 or no sets of initials. She wants the votes noted as such. BOC noted objection.

5:50 p.m. – Kyle, machine technician, noted that he can hit a button to review the rejected ballots. BOC decided that if practice becomes a time consuming issue, it will revisit decision.

Trump Primary Candidate Observer objected to practice that reviewing rejected ballots after two runs will slow process. BOC determined to hold after two runs that are rejected and review.

Process approved by BOC proved to be too slow. BOC decided to re-run a third time to reduce number of rejected ballots.

6:20 p.m. – Kyle approached BOC to re-run ballots to determine if a ballot is unreadable due to rips, tears, etc. that will be held for BOC review. He suggested that the ballots would be reviewed by County staff. Once determined unreadable it will be brought to BOC. O'Herron preferred to hand count but deferred to other BOC members to go back to ES & S's normal operating procedure. BOC decided to return to ES & S's normal operating procedure.

Stein Primary Candidate Observer objected and wants any ballot run once to be brought for BOC review. BOC noted objection.

Stein Primary Candidate Observer objected to obstruction of secondary observers from taking video and photos from blue line.

Stein Primary Candidate Observer objected to other primary candidate observers from touching primary candidate badges of other political parties.

Stein Primary Candidate Observer objected that her observers have not been provided with chairs. BOC decided to move chairs into taped observer area.

Stein Primary Candidate Observer objected to lack of chairs at BOC table. BOC denied request because all primary candidate observers would need chairs at the table. BOC noted objection. Chairs placed in taped area.

Stein Primary Candidate Observer objected to taped areas and noted that they do not create a welcoming space for public. The process should be transparent to everyone. Taped lines do not allow observers to hear all of the information noted by BOC.

Stein Primary Candidate Observer objected to microphone being turned off. BOC stated she read the wrong side of the sign and the microphone is on.

8:08 p.m. – Meg Wartman left the BOC and was replaced by Jack Melvin.

Stein Primary Candidate Observer objected to obstruction of her view from taking photos. BOC noted objection.

Stein Primary Candidate Observer requested BOC to tell people in recount room to be quiet. Attorney Weidig made announcement on behalf of BOC.

Stein Primary Candidate Observer objected to noise in recount room. The tabulating machine is too loud and demanded that it be stopped. BOC informed her that decision previously made was to continue with the high speed machine.

10:40 p.m. – Stein Primary Candidate Observer was videotaping inside of ballot room without anyone guarding it. On behalf of BOC, Attorney Haines asked observer to move away from ballot room to the other side of the BOC table.

11:15 p.m. – Stein Primary Candidate Observer, Devona Joy, made the comment that ballots held by BOC should be noted for the record. BOC advised her of its practice to mark as Exhibits and note for the minutes.

Kyle from ES & S explained how New Berlin runs all of its absentee ballots at one time through the machine. BOC suggested to wait to run central count until all regular wards were recounted.

11:30 p.m. – BOC decided to remove smaller tabulating machines from recount room but keep them handy if needed. BOC noted that the DS850 was running smoothly.

Meeting is recessed at 12:00 a.m.

December 6, 2016

BOC meeting called to order at 9:17 a.m. by Kelly Michaels, Deputy for Kathy Novack. BOC members present are Steve Heric, Mary Ann Hanson and Kelly Michaels.

Also present were Erik Weidig, Corporation Counsel; Debbie Price, Principal Assistant Corporation Counsel; and, Kim Haines, Principal Assistant Corporation Counsel.

Primary Candidate Observers were Randy Melchert, Trump Campaign; Amber Cleveland, Stein Campaign; and, Thomas Gilding, Clinton Campaign.

The issue of removing some voting machines to make space in recount room was raised and discussed. Heric moved to remove all DS200 machines except two. Hanson seconded. Motion passed unanimously.

Next issue addressed was whether or not election material bins could be cleared out of ballot room once ballots were given to tabulators and place bins under corresponding tabulator table. Once ballots are ready to be machine counted, ballots will return to bins to get in queue for counting. Heric moves to alter procedure; seconded by Hanson; motion passed unanimously.

Clinton Primary Observer requested that the BOC provide him with the official tallies from wards already recounted. On behalf of the BOC, Attorney Price will provide them to him.

Stein Primary Candidate Observer renewed request for seating for observers.

Trump Primary Candidate Observer requested that results be posted. Attorney Weidig Advised BOC that the staff was working diligently on reporting the results. It is a two-part process, and he hesitates to ask the County employees to perform additional work. He advised the BOC that it would be reasonable to deny the request. Heric moved; Hanson seconded; motion passed unanimously.

BOC determined that in cities with central count for absentee ballots, it will run regular ballots first, absentee ballots second. In the event that a draw down is necessary, the ballot(s) shall be pulled from absentee ballots. Attorney Weidig advised that the WEC approved this method.

BOC informed Clinton Primary Candidate Observer that its previous deadline to provide official tallies for various wards would be difficult to meet and not necessary to be provided according to WEC. Results are reported to WEC and posted on its website. Results will not be certified until the end of the recount process. A number of wards also need to be reconciled with wards voting at the same polling place; therefore, BOC will refrain from distributing the information at this time.

Hanson moved to delay running absentee ballots for New Berlin until all regular ballots have been run. Heric seconded. Discussion ensued regarding WEC's discretion to BOC to run ballots in the manner it proposed. Heric withdrew his second. Michaels seconded. Motion passed 2 to 1.

Clinton Primary Candidate Observer objected to noise in recount room. BOC informed observer that it will continue to read results loudly until an alternative solution can be achieved.

BOC released tabulators in shifts for lunch, as ballots are out on tables. One tabulator at a time should go for lunch.

1:10 p.m. – Lana Lee Helm became Trump Primary Candidate Observer for Randy Melchert.

2:08 p.m. – Meg Wartman took over for Mary Ann Hanson on BOC.

2:45 p.m. – Kathy Novack took over for Kelly Michaels on BOC.

Trump Primary Candidate Observer stated that Thomas Gilding is representing too many different political campaigns. He has represented himself as Clinton, Stein and Moorehead Campaigns. Attorney

Haines, on behalf of BOC, requested that Gilding provide proof of his credentials as primary candidate observers.

Novack suggested that all primary candidate observers direct party chairs to send an email indicating affiliation and authority to represent a candidate. BOC determined that all primary candidate observers send their credentials to khaines@waukeshacounty.gov.

Primary Candidate Observers present were as follows: Lana Helm, Trump; Amber Cleveland, Stein; Tom Gilding, Moorehead; and Rudy Moore, Clinton.

4:10 p.m. – Novack provided notice that she is giving BOC floor to Shawn Lundie, Chief of Staff for Waukesha County Executive, for a presentation. All Primary Candidate Observers were given notice. There would be a discussion regarding the relocation of the BOC to another room in the Waukesha County Administration Center. Lundie raised idea of moving BOC to Room AC-155 which is half of the current registration area. The rationale behind the move is to provide less noise for the BOC to conduct its work; improve ease of communication for everyone involved. Discussion and questions followed. Advantages include more space for tabulators, space to store ballots, and room for more observers.

Heric raised concern of not knowing what transpires in tabulation room for which he is responsible. More emphasis and responsibility will be placed on captains. Observers will have a hard time communicating with each other.

Wartman noted that she wants to add more tabulators and get recount done quicker.

Novack reminded BOC that the live feed will remain for the BOC to observe the tabulators.

Heric moved to remain in recount room. No second; therefore, motion failed.

Moorehead Primary Candidate Observer mentioned factors in favor and against BOC move.

Clinton Primary Candidate Observer opposed move to another room.

Stein Primary Candidate Observer opposed to move of BOC to Room AC-155.

Trump Primary Candidate Observer supported move to a different room.

Novack moved to move BOC to Room AC-155. More discussion ensued. Wartman seconded motion. Vote: Heric – No, Wartman – Yes, Novack – Yes. Motion passed two to one.

4:55 p.m. – Heric left BOC and Mary O'Herron transitioned in for evening.

Attorney Haines announced all primary candidate observers for whom she has received credentials. All credentials were received except Moorehead for Gilding.

Kyle of ES & S retired and Damon Hampton came in to run DS850 machine.

Novack indicated that her tallies how she is ahead in recount process. BOC objected and indicated that parties should be given 24-hour notice. Novack moved to recess at 10:00 p.m. Motion failed for a lack of a second.

Novack moved to stop sending out work to tabulators at 10:00 p.m. and tabulators will be paid through midnight. O'Herron seconded motion. Motion passed unanimously.

Novack moved to start tomorrow and thereafter at 9:00 a.m. and end at 10:00 p.m. O'Herron seconded. All in favor without opposition.

New BOC room ready and BOC and primary candidate observers are free to view.

7:20 p.m. – Wartman moved to recess meeting for dinner to reconvene at 7:55 p.m.

7:55 p.m. – Wartman and O'Herron reconvened meeting and directed tabulators to begin work again. BOC transitioned to Room AC-155.

9:00 p.m. – Jack Melvin transferred in for Meg Wartman on BOC.

8:04 p.m. – BOC moved to new room with observers.

8:05 p.m. – Novack presented BOC with a document she prepared showing the recount progress. She stated that all central count ballots are on floor and start villages on Thursday.

Victoria Fleming transferred in as Clinton Primary Candidate Observer.

Clinton Primary Candidate Observer requested that BOC face ballots up when comparing remade ballots to originals.

BOC recessed its meeting at 11:59 p.m.

December 7, 2016

BOC meeting called to order by Heric at 9:14 a.m. Other BOC members present were Kathy Novack and Mary Ann Hanson.

Also present were Erik Weidig, Corporation Counsel; Debbie Price, Principal Assistant Corporation Counsel; and, Kim Haines, Principal Assistant Corporation Counsel.

Moorehead Primary Candidate Observer requested recognition on this day for those people who have served.

10:45 a.m. – Stein Primary Candidate Observer requested that tabulators show the observers the ballots as they sort them. BOC stated determination already made not to alter manner in which tabulators perform their tasks.

10:55 a.m. – Clinton Primary Candidate Observer, Christopher Harvey, requested clarification on how numbers were being reported and who was doing the tallying. BOC explained that the Clerk's office with

Corporation Counsel was working on submitting the results in due course. All tallying has been performed by BOC.

10:56 a.m. – Clinton Primary Observer Harvey asked if pile of envelopes to left of minute taker were units to be tallied. BOC confirmed.

11:00 a.m. – Pam Brown is new Clinton Primary Candidate Observer. Chair Novack provided a new tally sheet for BOC.

11:11 a.m. – Trump Primary Candidate Observer objected to presence of Gilding as Moorehead Primary Candidate Observer and asked that any primary observer be removed that does not have his/her credentials on file per BOC direction on December 6, 2016.

Moorehead Primary Candidate Observer responded that the information was submitted to Attorney Haines. BOC accepted that email was likely received without confirming.

11:26 a.m. – Stein Primary Candidate Observer requested clarification on an apparent change in procedure for dealing with remade ballots. When a remade cannot be identified with original number, was BOC trying to match remades with unnumbered originals. She believed that BOC accepted all remades the night before. BOC will continue to check and attempt to match voter intent. If remade cannot be reconciled, ballot will be marked as an exhibit and possibly added to count hand tally.

Moorehead Primary Candidate Observer stated that every ballot should be examined, confirmed or rejected independently.

1:30 p.m. – Principal Assistant Corporation Counsel Debbie Price addressed BOC to correct prior tallies from Wards 2 and 3 of the Town of Lisbon.

2:00 p.m. – Meg Wartman replaced Mary Ann Hanson on BOC.

2:15 p.m. – Principal Assistant Corporation Counsel Debbie Price addressed BOC to correct prior tallies to confirm overvotes, undervotes and total votes for Town of Merton Wards 1, 2, 3, 7, 8, and 9.

3:01 p.m. – O'Herron replaced Steve Heric on BOC.

3:16 p.m. – Principal Assistant Corporation Counsel addressed BOC to clarify prio tallies for the Town of Mukwonago Wards 1, 7, 8, 4, 5, and 6.

4:00 p.m. – Stein Primary Candidate Observer asked BOC if BOC wanted to control who has secondary badges or if acceptable for parties to control.

Trump Primary Candidate Observer noted for record that the party should not control the badges.

Wartman concerned people representing several different candidates. Warman disagreed with decision of BOC to distribute secondary candidate badges to primary candidate observer for further distribution at his/her discretion.

Trump Primary Candidate Observer announced that he will monitor and police its secondary candidate observers but wants the registration process preserved.

Clinton Primary Candidate Observer stated that it would be an undue burden for him to police secondary candidate observers with current registration process.

4:30 p.m. – Novack introduced third version of tally sheet for reporting unit close out.

7:15 p.m. – BOC recessed for dinner.

7:55 p.m. – BOC reconvened meeting.

8:20 p.m. – Stein Primary Candidate Observer questioned chain of custody of envelopes that were transported through public area. BOC noted objection

8:45 p.m. – Stein Primary Candidate Observer stated that photos taken show overages on Village of Menomonee Falls.

9:00 p.m. BOC asked why it is reading first set of numbers. Attorney Weidig explained that the new machine combined the election night votes with absentee ballots for the second total.

BOC meeting in recess at 10:00 p.m.

December 8, 2016

BOC Meeting called to order at 9:10 a.m. by Kelly Michaels. Other BOC members present were Steve Heric and Meg Wartman.

Also present were Erik Weidig, Corporation Counsel; Debbie Price, Principal Assistant Corporation Counsel; and, Kim Haines, Principal Assistant Corporation Counsel.

Primary Candidate Observers in attendance were Emily Pollack, Clinton Campaign; Thomas Gilding, Moorehead Campaign; Lana Lee Helm, Trump Campaign; and, Greg Banks, Stein Campaign.

BOC continued tally reporting units to close them out.

9:37 a.m. – Heric asked BOC to consider having Village of Menomonee Falls' remade ballots through DS850. Novack stated that running a ballot with a sticker through any tabulating machine could invalidate any warranty and ruin the machines. Some machines are owned by other municipalities and the DS850 is being leased.

9:52 a.m. – BOC was presented with special tally sheet for City of Waukesha. City of Waukesha wards began being tallied and closed out by BOC.

10:10 a.m. – Stein Primary Candidate Observer is replaced with new observer: Christina Lucchesi.

11:18 a.m. – BOC visited tabulation room from a report that the DS850 machine is slowing down. Damon recommended shutting down the machine and rebooting, but he would like to hear from Kyle regarding his recommendation.

11:57 a.m. – Shawn Lundie appeared before BOC and recommended that DS850 not be rebooted as it will not solve the slow reporting. The encryption in the reports is affecting the report generation timeframe. Greater amounts of information take more time to generate a report.

1:44 p.m. – BOC questioned Trump Primary Candidate Observer about video camera in use by the Republican National Committee (RNC). Wisconsin Statute Section 9.01 (3) entitles a in person representation for observation.

1:51 p.m. – BOC discussed issue of RNC's recording device in BOC room. Michaels and Wartman approved use and Heric opposed. Motion passed 2 to 1 to permit use of the camera.

2:58 p.m. – Kyle of ES& S arrived to work on DS850 machine.

3:04 p.m. – Mary O'Herron and Meg Wartman switched in for Heric and Hanson respectively on BOC.

BOC continued tallying and closing out reporting units.

BOC leaves BOC room to perform draw down in tabulation room for Village of Menomonee Falls Ward 6.

5:05 p.m. – Margret Palmer entered as new Stein Primary Candidate Observer.

Novack announced that all election materials are out on tabulator tables. She believed that all tabulation would be completed before the meeting recessed for evening. Six tabulators will be called in for tomorrow.

5:50 p.m. – Ken Dragotta transferred in as Trump Primary Candidate Observer.

6:07 p.m. – Diane Wehrheim transferred in as Clinton Primary Candidate Observer.

8:45 p.m. – Kathy Karalewitz replaced Kathy Novack at BOC to read poll totals for tallying by BOC.

9:22 p.m. – Randy Melchert entered as Trump Primary Candidate Observer to relieve Ken Dragotta.

9:50 p.m. – Corporation Counsel Erik Weidig announced that 10:00 p.m. is not a hard close for the meeting. BOC may go over 10:00 p.m.

10:13 p.m. – BOC meeting is in recess.

December 9, 2016

BOC meeting reconvened at 9:06 a.m. by Kathy Novack. Other BOC members present were Mary Ann Hanson and Steve Heric.

Also present were Erik Weidig, Corporation Counsel; Debbie Price, Principal Assistant Corporation Counsel; and, Kim Haines, Principal Assistant Corporation Counsel.

Primary Candidate Observers were Lana Helm, Trump Campaign; Tom Gilding, Moorehead Campaign; Greg Banks, Stein Campaign; and, Scott Gross, Clinton Campaign.

BOC continued tallying reporting units and closing them out.

10:24 a.m. – Chair Novack took a break due to a headache. Novack directed Attorney Haines to read results to BOC members.

10:41 a.m. – Novack returned to BOC.

11:16 a.m. – Novack removed herself as BOC Chair.

11:18 a.m. – BOC recognized Chelsea Bogta as administrative assistant to the chair who will be reading tapes to BOC.

11:44 a.m. – BOC took brief recess.

11:48 a.m. – BOC reconvened with Chair Novack presiding over meeting.

11:57 a.m. – Shawn Lundie requested a brief meeting with Chair Novack.

11:58 a.m. – BOC again recognized Chelsea Bogta as administrative assistant to the chair who read recount result numbers to BOC for tallying.

12:02 p.m. – Jack Melvin replaced Mary Ann Hanson on BOC.

12:53 p.m. – Ken Dragotta signed in as Trump Primary Candidate Observer.

2:56 p.m. – BOC recognized Med Wartman and Mary O'Herron as present to begin tallying reporting units. Jack Melvin and Steve Heric were excused for the day and thanked for their service.

2:58 p.m. – Debbie Hogue-Downing took position of Clinton Primary Candidate Observer.

3:03 p.m. – BOC recognized Paige Drew as administrative assistant to the chair who will be reading results numbers to BOC to tally the recount results.

3:05 p.m. – BOC decided to read directly from tape total sheet and excused Paige Drew.

5:25 to 5:30 p.m. – BOC took a brief recess.

All reporting units were tallied. County Clerk staff is entering results into spreadsheet to review for errors prior to reporting to WEC.

BOC discussed reconvening on December 10, 2016 at 9:00 a.m.

BOC recessed at 7:41 p.m.

December 10, 2016

BOC meeting reconvened at 9:00 a.m. by Chair Novack. Other BOC members present were Mary Ann Hanson and Steve Heric.

Also present were Erik Weidig, Corporation Counsel; Debbie Price, Principal Assistant Corporation Counsel; and, Kim Haines, Principal Assistant Corporation Counsel.

BOC meeting recessed at 9:02 a.m. until 12:00 p.m.

BOC meeting reconvened at 12:00 p.m. by Chair Novack.

Primary Candidate Observers present were: Greg Banks, Stein Campaign; and Randy Melchert, Trump Campaign.

12:04 p.m. – Stein Primary Candidate Observer requested a copy of the Board of Canvassers' members and a copy of all variances in the recount results.

BOC informed observer that variances were available on WEC website.

Corporation Counsel reminded Chair Novack to complete her final checklists so that they can be attached to the meeting minutes.

12:28 p.m. – Document review of original BOC certification on November 16, 2016 led by Chair Novack and marked as Exhibit # 591. Summary from certification is spread by reporting unit on original vote results and marked as Exhibit # 592. Recount vote results are marked as Exhibit # 593. Final page illustrates recount total vs. the original total and net differential has a minimal change.

12:35 p.m. – BOC reviewed draft of recount results report which was marked as Exhibit # 594.

12:36 p.m. – Stein Primary Candidate Observer, Pete Peck, requested to view the machine that was used to tabulate the recount votes.

12:39 p.m. – Stein Primary Candidate Observer requested software version and modules used for the recount and the election computer as well.

12:42 p.m. – Heric asked for explanation of 1785 scattering reduction. Novack responded that the number represents the double count of write-ins to registered candidates.

12:53 p.m. – Objection raised by Stein Primary Candidate Observer that he believed the number represented in the recount totals on page 12 are incorrect.

12:54 p.m. – Stein Primary Candidate Observer renewed request for total variances. Novack informed him that the variances have been provided throughout the recount process.

12:56 p.m. – Principal Assistant Debbie Price reviewed the recount vote results with BOC.

1:05 p.m. – Stein Primary Candidate Observer asked by presidential vote count has a variance.

1:06 p.m. – Trump Primary Candidate Observer explained that the original total count of 1447 per Exhibit 591 is there registered write-ins and there is a variance of 2 votes in the recount total.

1:08 p.m. – BOC certified results of the recount.

1:09 p.m. – Stein Primary Candidate Observer objected to results on basis that he believed that the results failed to account for all of the ballots.

1:10 p.m. – Chair Novack called for a motion to adjourn until such time as the BOC shall meet to approve the meeting minutes. Moved. Seconded and approved unanimously by BOC at 1:11 p.m. on December 10, 2016.

DRAFT